

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

Crystal Lambert,

Plaintiff,

v.

Montgomery, Lynch & Associates, Inc.
c/o S Dave Edelman
1648 Belwood Road
South Euclid, OH 44121

Defendant.

Case No.

COMPLAINT

Jury Demand Requested

JURISDICTION AND VENUE

- 1- This court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337, 1367; and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

PARTIES

- 3- Plaintiff incurred an obligation to pay money, the primary purpose of which was for personal, family, or household uses (the "Debt").
- 4- Plaintiff is a resident of the State of Ohio.
- 5- Defendant is a corporation with its principal office in the State of Ohio.
- 6- Defendant acquired the Debt after it was in default and therefore qualifies as a "Debt Collector" under the Fair Debt Collection Practices Act.
- 7- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.

- 8- Defendant regularly attempts to collect, or attempts to collect, debts that it acquired after the same were in default.
- 9- At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

FACTS COMMON TO ALL COUNTS

- 10- Prior to December 4, 2015, Plaintiff incurred a consumer debt (the "Debt")
- 11- On or around December 4, 2015, Plaintiff filed a voluntary Chapter 7 bankruptcy petition that included the Debt.
- 12- On or around April 5, 2015, Plaintiff received a discharge of her debts, including the Debt.
- 13- Despite the bankruptcy filing, on or around June 6, 2016, Defendant sent a letter to Plaintiff to collect the Debt.
- 14- At the time of the letter, Defendant knew, or should have known, that Plaintiff filed bankruptcy.
- 15- Defendant damaged Plaintiff.
- 16- Defendant violated the FDCPA.

COUNT I

- 17- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.
- 18- Defendant violated 15 USC §1692c(a)(2) by communicating with a consumer after having notice that the consumer was represented by an attorney.

COUNT II

19- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

20- Defendant violated 15 USC § 1692e(2) by misrepresenting the character, amount, and/or legal status of the Debt.

COUNT III

21- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

22- Defendant violated 15 USC § 1692e(10) by using false representations and/or deceptive means to collect, or attempt to collect, the Debt.

COUNT IV

23- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

24- Defendant violated 15 USC § 1692f by engaging in unfair and/or unconscionable means to collect, or attempt to collect, the Debt.

COUNT V

25- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

26- Defendant violated 15 USC § 1692e by engaging in false, deceptive, or misleading methods to collect a debt.

JURY DEMAND

27- Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

28- Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3);
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Meier LLC

By: /s/ Richard J. Meier

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